

REMARKS***Claim Rejections - 35 USC § 102 and 103, Response to Arguments***

In an October 5, 2009 interview, as reported by Examiner Addy, "Applicant's representative and Applicant wanted to

5 discuss ways in which the claims, specifically claim 10, of the present invention could be amended in order to be allowable in regards to PDF US 60/047,747. Four issues were discussed in regards to the claims, specifically claim 10. Issue 1)

Applicant's representative and Applicant agreed that the

10 language "specifying" would be changed to the language, such as "dialing", "dial digits", "dialed digits", etc.; Issue 2)

Applicant's representative and Applicant indicated that a closer look would be taken in regards to their arguments made towards the limitation focusing on dialing 0 or 1; Issue 3) Applicant's

15 representative and Applicant indicated that a closer look would be taken in regards to their arguments made towards the

limitation focusing on area code + 7digits, made in regards to the above limitation, focusing on dialing 0 or 1; Issue 4)

Applicant's representative and Applicant indicated that they

20 would need to consider whether or not the claims would be amended to incorporate the limitation of a "suffix" ("8th digits" and "timing interval") system."

Applicant is still of the view that applicant's priority document US 60/047,747 does fully support the claims even

without amendment. Nonetheless, in order to expeditiously conclude prosecution and gain allowance of this application, applicant has agreed in this reply to amend the claims to be responsive to all four issues discussed in the interview

5 summary. These amendments are being entered without prejudice to any future applications which may be filed by applicant.

With these amendments, which further render applicant's claims fully supported by US 60/047,747, all of the references cited in the current action under 35 USC § 102 and 103 are
10 disqualified as prior art, given the earlier filing date of applicant's priority application US 60/047,747.

The remarks below are numbered in relation to the four interview points set forth above.

- 1) All of the independent claims have been amended to change
15 "specifying" a seven-digit telephone number, and variants thereof, to "dialing" a seven-digit telephone number and suitable variants, as suggested by examiner. This change has also been reflected in all relevant dependent claim references to "specifying" a seven-digit telephone number and variants.
- 20 2) As regards "dialing 0 or 1," applicant has reluctantly agreed, without prejudice, to enter an amendment with respect to this issue.

Specifically, it was indisputably understood by people of ordinary skill in the art and anybody who used a telephone when

applicant's priority application US 60/047,747 was filed on May 28, 1997, that dialing a "0" meant that a call would be placed to or through an operator, and that dialing a "1" before dialing a 10-digit number meant that the user was going to dial a complete, unabbreviated area code (i.e., was going to enter all three digits of an area code) together with a seven digit / destination telephone number in the customary manner. That this was common knowledge at the time of applicant's priority is so clear and beyond doubt, that examiner should and is hereby requested to take "official notice" of this. Applicant's reference to this in the provisional application was a statement about what was widely known in the prior art, and not a statement of limitation about applicant's invention.

To respond to examiner's concerns, applicant has amended the preamble of all independent claims to specify "A method for simplifying telephonic calling where the user has not dialed any digits to place an operator call [dialing a "0"] and has not dialed any digits to indicate that the user is dialing a complete, unabbreviated area code together with a seven digit telephone number [dialing a "1"]. Claims 148, 152, 156, 158, 160, 164 all refer to a "destination" rather than "seven digit" telephone number.

This is fully supported by applicant's provisional based on common knowledge as of May 28, 1997, and is fully responsive to

examiner's point 2 of the interview summary.

3) The foregoing in point 2, also resolves the issue in point 3 of the interview summary.

4) Applicant has also reluctantly agreed, without prejudice, to enter an amendment with respect to the "8th digits" and "timing interval" issue.

Specifically, applicant has amended all of the independent claims to recite "causing said call to be signaled using the designated destination area code in combination with the dialed seven-digit telephone number, based on an occurrence comprising one or more of: said seven digits having been dialed as a legal call; the user dialing an eighth key; or the elapsing of a predetermined timing delay . . ." Again, claims 148, 152, 156, 158, 160, 164 all refer to a "destination" rather than "seven digit" telephone number.

The eight digit and timing delay are thus now recited, as suggested by examiner. Submitted with this reply is a PDF file showing page 13/49 from applicant's priority application US 60/047,747. Highlighted therein is a portion saying "once 7 digits are received, the call will be considered legal..." which then goes on to talk about the 8th digit and the timing delay. Thus, the claim amendment entered here not only lists the "8th digits" and "timing interval," but also recites "seven digits having been dialed as a *legal call*."

As a result of this amendment, applicant has now removed the language "without analyzing said seven-digit telephone number in relation to telephone numbers previously dialed by the user" from all the independent claims. This language

5 was earlier added by amendment on August 12, 2008 to distinguish past Brendzel (US 5,859,901). However, the above-recited amendment is an alternative way of distinguishing past Brendzel.

As a result of the foregoing, all of examiner's objections applicant's regarding whether applicant's claims are supported
10 by priority application US 60/047,747 are hereby addressed, and so the references cited in the current action under 35 USC § 102 and 103 are disqualified as prior art.

Conclusion

15 Based on the foregoing all claims are allowable over all prior art of record, and applicant respectfully requests allowance of all claims and looks forward to a notice of allowance in the near future.

All of the amendments entered with this reply have been
20 introduced to respond to all four points in the interview summary which examiner Addy has indicated are necessary to support all claims and thus disqualify as prior art the references used under 35 USC § 102 and 103 in this office action. These amendments have been made in order to place this

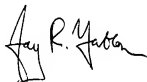
application into condition for allowance and expedite the conclusion of prosecution on this application.

In the event that these amendments for some reason still do not place this application into condition to allowance,

5 applicant is willing to consider claims adjustments within the spirit of the October 5 interview to bring the application to allowance, and so requests a phone call from examiner Addy before any final office action is issued, so that examiner and counsel can discuss authorizing possible examiner's amendments

10 that would lead to allowance. This would include, if necessary, the possibility of restoring the language "without analyzing said seven-digit telephone number in relation to telephone numbers previously dialed by the user" if that should become necessary for allowance.

Respectfully submitted,



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